In the High Court of Punjab and Haryana at Chandigarh

CWP No. 17063 of 2006

Date of decision: 28.10.2006

Smt. Nirmal Yadav

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Ravi Verma, Advocate,

for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

This petition filed under Article 226 of the Constitution prays for issuance of a writ in the nature of certiorari for quashing advertisement dated 20.7.2006 (P-2) to the extent of Category No. 13 vide which 13 posts of Lecturers in Sociology have been advertised by the Haryana Staff Selection Commission on the requisition sent by respondent No. 2. A further prayer has been made for directing the respondents to consider the case of the petitioner as well as other eligible Masters/Mistresses and C&V Teachers for promotion to the post of Lecturer in Sociology against unfilled 50% promotion quota

under Rule 9 of the Haryana State Education School Cadre (Group 'C') Service Rules, 1998, keeping in view the law laid down by this Court in the case of **Haryana Rajkiya Adhyapak Sangh v. State of Haryana** (C.W.P. No. 5940 of 1997, decided on 5.11.1998, Annexure P-3). Still further, it has been prayed that direction be issued to the respondents to promote the petitioner as Lecturer in Sociology from due date with all consequential benefits including seniority, pay fixation and arrears of salary. It has been claimed that the respondent department has already filled 15 vacancies of Lecturers in Sociology by way of direct recruitment in excess of its quota in comparison to promotion quota after 1.12.1998. It is appropriate to mention that for the relief claimed in the instant petition, the petitioner has already sent a legal notice dated 13.8.2006 (P-4) to the respondents.

In view of above, without going into the merits of the case, we deem it just and appropriate to direct the respondents to take cognizance of the legal notice sent by the petitioner and decide the same in light of the aforementioned judgment of this Court (P-3), expeditiously preferably within a period of four months from the date a certified copy of this order is presented to them. It shall be appreciated if a speaking order is passed.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

October 28, 2006

Pkapoor